HON'BLE SMT. JUSTICE T. MEENA KUMARI

Writ Petition No.34227 of 1997

Date: 6.11.2007

Between:
Syed Khaja Fareeduddin and others

.....Petitioners.

And

The Regional Manager,
A.P.S.R.T.C., Mahaboobnagar.

....Respondent

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Writ Petition No.34227 of 1997

ORDER:

In this writ petition, petitioners challenge order No. P3/255(20)/96-RM:MB:, dated 27.3.1997, whereby and whereunder the respondent-

Corporation sought to withdraw the benefit of special grade which was granted to the petitioners.

The facts in brief are that petitioners herein were initially appointed as Cleaners and thereafter they were promoted as Mechanics. While so, the respondents introduced a scheme under which the persons who have completed a meritorious continuous service of 12 years in one and the same cadre are sought to be appointed to selection grade in view of the stagnation in one particular post in the corporation. As a consequence, the respondent-Corporation through its proceedings dated 16.12.1995 placed the petitioners in the special grade. However, through proceedings dated 27.3.1997, the respondent Corporation while promoting the petitioners to the post of Mechanic Grade-II sought to withdraw the benefit of Special Grade, which was given to the petitioners. Assailing the same, the petitioners filed the present writ petition.

Learned counsel for the petitioners contends that withdrawing of the benefit of special grade is not in consonance with the Rules and if the said benefit is withdrawn, lot of prejudice would be caused to the petitioners and they would suffer irreparable loss. He, therefore, prayed that the writ petition be allowed and the impugned order be set aside.

On the other hand, learned standing Counsel for the Corporation contended that the petitioners were given special grade with effect from 1.7.1995, whereas they were eligible for the same only from 1.8.1995. He further submitted that in view of the fact that the petitioners were promoted as Mechanics with effect from 1.7.1995, the respondents were justified in withdrawing the said benefit and prayed that the petition be dismissed.

Heard the learned counsel for the parties and perused the order impugned in this writ petition.

Admittedly, in the instant case, the petitioners have been working as Mechanics Grade-I for more than 12 years and in view of their long stagnation in the said post, the corporation extended the benefit of Special Grade to them through proceedings dated 16.12.1995. Even according to the various circulars issued by the Corporation, the persons who have completed 12 years of continuous service in one post are eligible for placement in special grade. In such circumstances, the Corporation having extended the said benefit to the petitioners herein, cannot withdraw the same, without any valid reason. That apart, there is no material on record to show that the petitioners got the said benefit of Special Grade by playing fraud or misrepresentation on the corporation. In such circumstances, the Corporation while promoting the petitioners as Grade-II Mechanics retrospectively, cannot withdraw the benefit of Special Grade.

Taking into consideration the facts and circumstances of the case and in the interest of justice, it would suffice if a direction is issued to the respondent-Corporation not to enforce Condition No.6 in respect of the petitioners herein.

Accordingly, this writ petition is disposed of with a direction to the respondent-corporation not to enforce condition No.6 of the terms and conditions contained in the proceedings dated 27.3.1997, with reference to the petitioners alone and withdraw the benefit of Special Grade which was given to them through proceedings dated 16.12.1995. No costs.

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T. MEENA KUMARI,J

Date: 6th November, 2007

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